

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IBORO EDEMKO,

Plaintiff,

- against -

CV 06-204
(BMC) (ARL)

COUNTY OF NASSAU, POLICE OFFICER
MICHAEL A. BARBUCK, POLICE OFFICER
KNOX AND POLICE OFFICER DAPHNE GROSS,

Defendants.

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JOSEPH ANCI, an attorney duly admitted to practice law in the courts of the State of New York, and admitted to practice in the United States District Court for the Eastern District of New York, declares as follows, under the penalties of perjury:

1. I am a Deputy County Attorney in the Office of Lorna B. Goodman, Nassau County Attorney, attorneys for defendants County of Nassau, Police Officer Michael Barbuck, Police Officer Edward Knox and Police Officer Dafni Gross, incorrectly sued herein as Daphne Gross, (hereinafter referred to collectively as the "Defendants") in this action. As such, I am familiar with the facts and circumstances as set forth herein, as a result of research and my review of the County Attorney's file.

2. This declaration is made in support of the Defendants' reply memorandum of law in further support of their motion seeking an order granting partial summary judgment in favor of the Defendants, dismissing Plaintiff's *Monell* claims and Plaintiff's claims for false arrest, unlawful imprisonment and excessive force on the ground that there is no genuine issue of material fact to be tried, and granting any such other relief as the Court deems just and proper.

3. Plaintiff's August 1, 2007 supplemental document request is annexed hereto as "*Exhibit Q.*"

4. An affidavit of Nassau County Police Lieutenant Daniel J. Collins, Deputy Commanding Officer of the Nassau County Police Academy is annexed hereto as "*Exhibit R.*"

5. During the course of discovery, Defendant Dafni Gross testified at a deposition held on March 30, 2007. Annexed hereto as "*Exhibit S*" are additional portions of Defendant Dafni Gross's deposition transcript referenced in the Defendants' Reply Memorandum of Law in Further Support of Summary Judgment.

6. The NCPD training records for Defendant Michael Barbuck, Edward Knox and Dafni Gross are annexed collectively hereto as "*Exhibit T.*" (Defendants will send copies of Exhibit T to the Court along with the courtesy copies instead of via ECF)

7. Nassau County Police Department Procedure ADM 1113, "Development and Publication of the Department Manual," is annexed hereto as "*Exhibit U.*" (Defendants will send copies of Exhibit U to the Court along with the courtesy copies instead of via ECF)

8. Nassau County Police Department Procedure ADM 1110, "Written Directives," is annexed hereto as "*Exhibit V.*" (Defendants will send copies of Exhibit V to the Court along with the courtesy copies instead of via ECF)

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For all the reasons set forth in the accompanying Reply Memorandum of Law, it is respectfully requested that the Court issue an order granting the Defendants' motion for summary judgment, dismissing Plaintiff's claims for municipal liability, false arrest, unlawful imprisonment and excessive force, and granting such other and further relief as this Court deems just and proper.

LORNA B. GOODMAN
Nassau County Attorney